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09/827,027	04/04/2001	Kanako Miyashita	NAK1-BO38	4851
21611	7590	05/18/2004	EXAMINER	
SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230			LEON, EDWIN A	
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			2833	

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/827,027

Applicant(s)

MIYASHITA ET AL.

Examiner

Edwin A. León

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 27-37 is/are rejected.
- 7) ☒ Claim(s) 25, 26, 38 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's Response filed February 23, 2004 in which new Claims 38-39 have been added, has been placed of record in the file.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24, 27-32, 34-35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (Japanese Publication No. 11-250804). Reference numbers, columns and lines taken from patent counterpart Nishimura (U.S. Patent No. 6,309,272). With regard to Claims 1 and 34, Nishimura discloses a method for producing a display panel that has a front (86) substrate and a back (81) substrate disposed to face each other, the method comprising: a pre-baking phosphor (Column 11, Lines 32-67, Column 12, Lines 1-26) layer (Column 19, Lines 29-63) forming step for forming a pre-baking phosphor (Column 11, Lines 32-67, Column 12, Lines 1-26) layer (Column 19, Lines 29-63) containing a phosphor (Column 11, Lines 32-67,

Art Unit: 2833

Column 12, Lines 1-26) and an organic binder (Column 11, Lines 32-67, Column 12, Lines 1-26), on at least one of the surfaces of the front (86) substrate and the back (81) substrate that are to face each other; a sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26) applying step for applying a sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26) that softens with heat, to the peripheral region of at least one of the surfaces of the front (86) and back (81) substrates that are to face each other; a stacking step (Column 19, Lines 29-67 and Column 20, Lines 1-55) for, after the pre-baking phosphor (Column 11, Lines 32-67, Column 12, Lines 1-26) layer (Column 19, Lines 29-63) forming step and the sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26) applying step, disposing the front (86) and back (81) substrates to face each other in a stack; and a baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55) for heating the front (86) and back (81) substrates to burn out the organic binder (Column 11, Lines 32-67, Column 12, Lines 1-26) while supplying a dry gas containing oxygen to an internal space that is formed between the front (86) and back (81) substrates. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

However, Nishimura doesn't show the display panel being a plasma display panel.

Still, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the method of Nishimura to make a plasma display panel in order to provide the plasma display panel with sufficient high luminance.

With regard to Claim 2, Nishimura discloses the sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26) being a glass frit that softens at a temperature lower than the highest temperature achieved in the baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55). See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claims 3, 7-9, and 19-20, Nishimura discloses the claimed invention except for the glass frit having a softening point of 400 IC or 3 higher, at least one of the front and back substrates having thickness of 2 mm or less, a flow rate of the dry gas supplied to the internal space being 1 CCM per 1 cm<sup>3</sup> of the internal space, a flow rate of oxygen contained in the dry gas supplied to the internal space being 0.5 CCM per 1 cm<sup>3</sup> of the internal space, the glass frit has a softening point of 400 C or higher, or in the bonding step, the front and back substrates being heated to a temperature in a range of 400 C to 520 C.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the glass frit having a softening point of 400 IC or higher, at least one of the front and back substrates having thickness of 2 mm or less, a flow rate of the dry gas supplied to the internal space being 1 CCM per 1 cm<sup>3</sup> of the internal space, a flow rate of oxygen contained in the dry gas supplied to the internal space being 0.5 CCM per 1 cm<sup>3</sup> of the internal space, the glass frit has a softening point of 400 C or higher, or in the bonding step, the front and back substrates being heated to a temperature in a range of 400 C to 520 C, since it has been held that where

Art Unit: 2833

the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

With regard to Claim 4, Nishimura discloses a preliminary baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55) between the sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26) applying step and the stacking step (Column 19, Lines 29-67 and Column 20, Lines 1-55), wherein in the preliminary baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55), the glass frit is heated to a predetermined temperature to be preliminarily baked. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 5, Nishimura discloses the sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26) being a glass frit that being substantially composed of a crystalline glass. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 6, Nishimura discloses the baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55), the heating is suspended for a predetermined time period after a temperature of the front (86) and back (81) substrates reaches to a predetermined temperature, then the heating is resumed to burn out the organic binder (Column 11, Lines 32-67, Column 12, Lines 1-26). See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 10, Nishimura discloses in the baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55), the front (86) and back (81) substrates being heated while being secured by pressure applied by a plurality of pressing units (Column 19, Lines 29-67 and Column 20, Lines 1-55) attached to the front (86) and back (81) substrates. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 11, Nishimura discloses the plurality of pressing units (Column 19, Lines 29-67 and Column 20, Lines 1-55) applying pressure to the peripheral region of the front (86) and back (81) substrates. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 12, Nishimura discloses the plurality of pressing units (Column 19, Lines 29-67 and Column 20, Lines 1-55) applying pressure to the front (86) and back (81) substrates inward of the sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26), excluding the central region of the front (86) and back (81) substrates. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 13, Nishimura discloses an exhausting step (Column 11, Lines 32-67, Column 12, Lines 1-26) for exhausting gases from the internal space, wherein the exhausting step (Column 11, Lines 32-67, Column 12, Lines 1-26) is started before the front (86) and back (81) substrates cool off to ambient temperature after the baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55). See Figs. 8A-8B and

Art Unit: 2833

15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 14, Nishimura discloses the exhausting step (Column 11, Lines 32-67, Column 12, Lines 1-26) being completed before the front (86) and back (81) substrates cool off to ambient temperature after the baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55). See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 15, Nishimura discloses in the exhausting step (Column 11, Lines 32-67, Column 12, Lines 1-26), gases being exhausted while the internal space is maintained at a constant temperature. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claims 16 and 37, Nishimura discloses a method for producing a display panel that has a front (86) substrate and a back (81) substrate disposed to face each other, the method comprising: a pre-baking phosphor (Column 11, Lines 32-67, Column 12, Lines 1-26) layer (Column 19, Lines 29-63) forming step for forming a pre-baking phosphor (Column 11, Lines 32-67, Column 12, Lines 1-26) layer (Column 19, Lines 29-63) containing a phosphor (Column 11, Lines 32-67, Column 12, Lines 1-26) and an organic binder (Column 11, Lines 32-67, Column 12, Lines 1-26), on at least one of surfaces of the front (86) substrate and the back (81) substrate that are to face each other; a sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26) applying step for applying a sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26) that softens with heat, to the peripheral region of one of the surfaces of the front (86)



Art Unit: 2833

and back (81) substrates that are to face each other; a baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55) for, after the pre-baking phosphor (Column 11, Lines 32-67, Column 12, Lines 1-26) layer (Column 19, Lines 29-63) forming step and the sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26) applying step, burning out the organic binder (Column 11, Lines 32-67, Column 12, Lines 1-26) by heating the front (86) and back (81) substrates in a furnace; while the surfaces of the front (86) and back (81) substrates are positioned to face each other and are separated from each other to provide enough space to allow gases to escape, from an internal space between the faces of the substrate, to outside of the substrates; and a bonding step (Column 19, Lines 29-67 and Column 20, Lines 1-55) for disposing the front (86) and back (81) substrates to contact the sealing material for bonding the front (86) and back (81) substrates by keeping the front (86) and back (81) substrates at a temperature higher than the softening point of the sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26). See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

However, Nishimura doesn't show the display panel being a plasma display panel.

Still, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the method of Nishimura to make a plasma display panel in order to provide the plasma display panel with sufficient high luminance.

With regard to Claim 17, Nishimura discloses in the bonding step (Column 19, Lines 29-67 and Column 20, Lines 1-55), after the front (86) and back (81) substrates

Art Unit: 2833

are disposed to face each other, a dry gas containing oxygen is supplied to an internal space formed between the front (86) and back (81) substrates. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 18, Nishimura discloses the sealing material (Column 11, Lines 32-67, Column 12, Lines 1-26) being a glass frit. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 21, Nishimura discloses in the baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55), the front (86) and back (81) substrates are heated in an atmosphere of a dry gas. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 22, Nishimura discloses in the baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55), the front (86) and back (81) substrates being heated in an atmosphere of a circulated dry gas. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 23, Nishimura discloses the dry gas used in the baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55) contains oxygen. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 24, Nishimura discloses in the baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55), gases released from the front (86) and back (81) substrates as the substrates are heated are removed forcibly. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 27, Nishimura discloses positioning markers are formed on surfaces of the front (86) and back (81) substrates before the baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55), and in the bonding step (Column 19, Lines 29-67 and Column 20, Lines 1-55), the front (86) and back (81) substrates are positioned using the positioning markers so as to face each other. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 28, Nishimura discloses an exhausting step (Column 11, Lines 32-67, Column 12, Lines 1-26) for exhausting gases from the internal space, wherein the exhausting step (Column 11, Lines 32-67, Column 12, Lines 1-26) is started before the front (86) and back (81) substrates cool off to ambient temperature after the bonding step (Column 19, Lines 29-67 and Column 20, Lines 1-55). See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 29, Nishimura discloses the exhausting step (Column 11, Lines 32-67, Column 12, Lines 1-26) being completed before the front (86) and back (81) substrates cool off to ambient temperature after the baking step (Column 19, Lines

Art Unit: 2833

29-67 and Column 20, Lines 1-55). See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 30, Nishimura discloses in the exhausting step (Column 11, Lines 32-67, Column 12, Lines 1-26), gases are exhausted while the internal space is maintained at a constant temperature. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 31, Nishimura discloses a display panel production apparatus for use in the baking step (Column 19, Lines 29-67 and Column 20, Lines 1-55) and the bonding step (Column 19, Lines 29-67 and Column 20, Lines 1-55) comprising: a heating furnace (Column 11, Lines 32-67, Column 12, Lines 1-26) for housing and heating the front (86) and back (81) substrates disposed to face each other; and a dry gas supplying mechanism (Column 11, Lines 32-67, Column 12, Lines 1-26) for supplying a dry gas to an internal space formed between the front (86) and back (81) substrates. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 32, Nishimura discloses an exhausting mechanism (208) for exhausting gases from the internal space. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claims 34 and 37, Nishimura discloses a display panel (Column 19, Lines 29-67 and Column 20, Lines 1-55) produced by the method mentioned above. See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

With regard to Claim 35, Nishimura discloses an image display apparatus (Column 19, Lines 29-67 and Column 20, Lines 1-55) comprising: the display panel (Column 19, Lines 29-67 and Column 20, Lines 1-55) and a driving circuit (Column 19, Lines 29-67 and Column 20, Lines 1-55) for driving the display panel (Column 19, Lines 29-67 and Column 20, Lines 1-55). See Figs. 8A-8B and 15; Column 11, Lines 32-67, Column 12, Lines 1-26, Column 19, Lines 29-67 and Column 20, Lines 1-55.

4. Claims 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (Japanese Publication No. 11-250804) in view of Aoki et al. (U.S. Patent No. 6,369,501). Nishimura discloses the claimed invention except for  $\text{BaMgAl}_{10}\text{O}_{17}:\text{Eu}$  being used as a phosphor constituting a blue phosphor layer.

Aoki et al. discloses  $\text{BaMgAl}_{10}\text{O}_{17}:\text{Eu}$  being used as a phosphor constituting a blue phosphor layer. See Column 10, Lines 26-29.

Thus, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the display of Nishimura by including  $\text{BaMgAl}_{10}\text{O}_{17}:\text{Eu}$  being used as a phosphor constituting a blue phosphor layer as taught in Aoki et al. to improve the adsorption capabilities of the display.

#### ***Allowable Subject Matter***

5. Claims 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims for the reasons given in the Office Action of September 12, 2002.

6. Claims 38-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The references fail to teach, disclose, or suggest, either alone or in combination, the organic binder being burned out and the sealing material being softened to enable bonding of the front and back substrate in a simultaneous operation of raising and lowering temperature and in combination with the rest of the limitations of the base and intermediate claims.

### ***Response to Arguments***

7. Applicant's arguments filed February 23, 2004 have been fully considered but they are not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that the Nishimura et al. reference is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the Nishimura et al. reference is in the field of applicant's endeavor and it is the Examiner's opinion that one with ordinary skill in the art would find obvious to use the method of Nishimura to make a plasma display panel in order to provide the plasma display panel with sufficient high luminance. Furthermore, Applicant is reminded that the recitation "for producing a plasma display panel" has been given little patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa V. Robie*, 88 USPQ 478 (CCPA 1951).

In response to Applicant's arguments regarding Claim 33 and 33, that the Nishimura reference does not show  $\text{BaMgAl}_{10}\text{O}_{17}:\text{Eu}$  being used as a phosphor constituting a blue phosphor layer, Applicant is reminded that the Aoki et al. reference is the reference cited that discloses  $\text{BaMgAl}_{10}\text{O}_{17}:\text{Eu}$  being used as a phosphor constituting a blue phosphor layer. It is the Examiner's opinion that one with ordinary skill in the art would modify the display of Nishimura by including  $\text{BaMgAl}_{10}\text{O}_{17}:\text{Eu}$  being

Art Unit: 2833

used as a phosphor constituting a blue phosphor layer as taught in Aoki et al. to improve the adsorption capabilities of the display.

In response to Applicant's argument that the Nishimura reference does not show a fluorescence layer, Applicant misinterprets the principle that claims are interpreted in the light of the specification. Although this element is found as example or embodiment in the specification, it was not claimed explicitly. Nor were the words that are used in the claims defined in the specification to require this limitation. A reading of the specification provides no evidence to indicate that this limitation must be imported into the claims to give meaning to disputed terms. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

### **Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



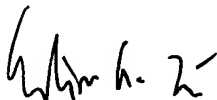
Art Unit: 2833

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (571) 272-2008. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800, extension 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edwin A. Leon  
AU 2833



Gary Paumen  
Primary Examiner

EAL  
May 8, 2004